IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HONOURABLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION NO : 9660 of 2004

Between:
Syeda Amtul Hafeez @ Sarwari Begum,
W/o. Mir Iqbal Ali, aged about 52 years,
Occ: Household, R/o. H.No.3-5/C/1,
Humayunnagar, Hyderabad.

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PETITIONER

AND

1. The Deputy Commissioner of Police, West Zone, Hyderabad.
2. The Assistant Commissioner of Police, Asifnagar Division, Hyderabad.
3. The Inspector of Police, Humayunnagar P.S., Humayunnagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order, direction more particularly a Wit in the nature of Writ of Mandamus declaring the action of the 3rd respondent in locking the petitioner house bearing H.No.10-3-5/C/1, at Humayunnagar, Hyderabad as illegal, arbitrary and unconstitutional and consequently direct the respondents to remove the locks and hand over possession of the house to the petitioner forthwith.

For the petitioner : Mr. A. Ravi Shankar, Advocate(1793)

For the respondents : GP for Home

The Court at the admission stage made the following :

ORDER:

This writ petition is filed by the petitioner alleging that the respondent-Police authorities have locked the premises of the petitioner bearing H.No.10-3-5/C/1 adjacent to Humayunnagar Police Station. The said house belongs to one Smt. Anwar Sayeed and the petitioner was living in the said premises as a tenant. The petitioner also stated that her husband is residing in United States. It is alleged that the respondent-police authorities have locked the house and did not allow the petitioner and her family members to stay in the premises. Therefore the petitioner has come up with the present writ petition.

2. Notice before admission was ordered to the respondent-authorities. As the learned Government Pleader was not able to get any instructions, the third respondent was directed to appear before this Court and to file a counter and thereafter a counter is filed today by the third respondent.

3. In the Counter, it is stated that the respondent-police authorities did not lock the house of the petitioner and that they have also not obstructed the petitioner and her daughter staying in the said house. The Police are only entered the house to secure the presence of petitioner's son, who is involved in crime No.50 of 2004. Therefore it is stated that the respondents have no objection to the petitioners to open their house by breaking open the lock, as the respondents have not locked the said premises.

4. In view of the above statement, the petitioners are permitted to break open the lock and stay in the house. The respondents are

also directed not to interfere with the personal liberty of the petitioners. But however this order does not preclude them to go to the said house to find out the whereabouts of the petitioner's son, who is required in connection with Crime No.50 of 2004.

5. With the above directions and observations, the writ petition is disposed of. No costs.

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S. ANANDA REDDY, J

23rd June, 2004.

Note:
Issue C.C. in two days.
(B/o)
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To

1. The Deputy Commissioner of Police, West Zone, Hyderabad.
2. The Assistant Commissioner of Police, Asifnagar Division, Hyderabad.
3. The Inspector of Police, Humayunnagar P.S., Humayunnagar, Hyderabad.
4. Two CCs to the Government Pleader forHome, High Court Buildings, Hyderabad.
5. Two C.D. copies.